



PATENT  
Docket No.: 3553-4067US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Brian Harniman et al. Group Art Unit: TBA  
Serial No. : 09/716,114 Examiner: TBA  
Filed : November 14, 2000  
For : **BOUNCE BACK METHOD, SYSTEM AND APPARATUS**

**RECEIVED**

JUN 14 2001

OFFICE OF PETITIONS

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE PTO OF ITEM(S)  
CONSIDERED AS OMITTED BY THE PTO  
RESPONSE TO NOTICE OF OMITTED ITEMS**

**COMMISSIONER OF PATENTS  
Washington, D.C. 20231**

Sir:

1. This is in response to the Notice of Omitted Items mailed for the above-referenced application on April 3, 2001. A copy of the Notice of Omitted items is enclosed.

2. Applicant assert that the items indicated as omitted were in fact deposited with the PTO with the original application papers filed on November 14, 2000.

3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Red. 30,041-30,046 (see MPEP, § 601.01(d), 7<sup>th</sup> Edition) applicants hereby:

A. Petition under 37 §1.53(e) for a review of the determination that the items in issue were omitted;

06/13/2001 TV0111 00000005 134500 09716144

01 FC:122 130.00 CH B. Submit the petition fee under 37 §1.17(i) and

05/07/2001 00000005 134500 09716144 C. Submit the attached evidence of the deposit of the items in issue.

01 FC:122 130.00 CH

4. Provisional Request for Filing Date As of This Date of Submission of Omitted Items in Issue – Provisional Petition under 37 §1.182.

In the event that this Petition To Establish Prior Receipt in the PTO of Omitted

Items In Issue does not result in a decision by the PTO that the omitted items in issue were indeed received by the PTO on the original filing date for this application, applicants hereby:

- A. submit the omitted item(s) listed on the Notice Of Omitted Items;
- B. alternatively petition under 37 §1.182 to accept the date of this submission

as the application filing date; and

- C. submit the petition fee under 37 §1.17(h)

The Commissioner is hereby authorized to charge the amount of \$130.00 fee under 37 §1.17(h) to Deposit Account No. 13-4500, Order No. 3553-4067US1.


- 5. Request for Refund of Provisional Petition Fee Under 37 § 1.182

Upon grant of the petition under 37 §1.53(e) and the determination by the PTO that the omitted items in issue were filed with the original papers filed for this application, applicants respectfully request that the petition fee under 37 §1.182 be refunded by a credit to the charge authorized herein.

**AUTHORIZATION**

If the Commissioner determines that an additional fee is due, or an additional extension of time required, applicant petitions for the extension of time, and authorizes the Commissioner to charge any required fee, or credit any overage, to deposit account 13-4500, Order No. 3553-4067US1. A duplicate of this sheet is included.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By:   
Charles A. Rattner  
Reg. No.: 40,136

Date: June 4, 2001

MORGAN & FINNEGAN, L.L.P.  
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**EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION  
INDICATED AS OMITTED IN THE NOTICE OF OMITTED ITEMS –  
NONPROVISIONAL APPLICATION**

In connection with the Notice of Omitted Items dated April 3, 2001, applicants submit the following evidence that the item(s) indicated as omitted were in fact deposited with the PTO on November 14, 2000, which is the original date on which the papers for this application were deposited:

- A. a photocopy of the date stamped return post card receipt showing thereon the item(s) indicated as omitted were in fact deposited (namely, 14 sheets of figures.)
- B. a copy of pages corresponding to Figs 5A-6B as filed. Please note that the captions for each of these figures were inadvertently not include thereon in the original application papers.